

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> Rachel Black and Andrew Black  <b>(b) County of Residence of First Listed Plaintiff</b> <u>Montgomery, PA</u> (EXCEPT IN U.S. PLAINTIFF CASES)  <b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> Joseph Chaiken, Joseph Chaiken & Associates, P.C., 1800 John F. Kennedy Blvd. - 14 <sup>th</sup> Floor, Philadelphia, PA 19103, (215) 564-1800	<b>DEFENDANTS</b> State Farm Insurance Company  <b>County of Residence of First Listed Defendant</b> <u>McLean, IL</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.  <b>Attorneys (If Known)</b> Louis E. Bricklin/Kathleen Dapper, Bennett, Bricklin & Saltzburg, LLC, 1601 Market Street, Suite 1600 Phila., PA 19103 (215) 561-4300
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<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width:100%;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td>X 1</td> <td><input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5 X 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3 Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	Citizen of This State	X 1	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 X 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
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<b>V. ORIGIN</b> (Place an "X" in One Box Only)						
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

<b>VI. CAUSE OF ACTION</b>	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>Insurance dispute with diversity 28 U.S.C. § 1332</u> Brief description of cause: <u>Insurance Breach of Contract and Bad Faith Claims</u>
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<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b> _____	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<b>VIII. RELATED CASE(S) IF ANY</b>	(See instructions): JUDGE _____	DOCKET NUMBER _____
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DATE	SIGNATURE OF ATTORNEY OF RECORD
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December 22, 2015 Louis E. Bricklin/Kathleen P. Dapper

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>RACHEL BLACK and ANDREW BLACK</b>	:	
	:	
<b>v.</b>	:	<b>NO.</b>
	:	
<b>STATE FARM INSURANCE COMPANY</b>	:	
	:	
	:	


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**CASE MANAGEMENT TRACK DESIGNATION FORM**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>12/22/15</u>	 <b>Louis E. Bricklin/Kathleen P. Dapper</b>	<b>State Farm Mutual Automobile Date</b>
	<b>Attorney-at-law</b>	<b>Insurance Co.</b>
	<b>Attorney for</b>	
<u>(215) 561-4300</u>	<u>(215) 561-6661</u>	<u>bricklin@bbs-law.com /dapper@bbs-law.com</u>
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>
<b>(Civ. 660) 10/02</b>		

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.**

Address of Plaintiff: 1860 Lippincott Road, Huntingdon Valley, PA 19006

Address of Defendant: One State Farm Plaza, Bloomington, IL 61710

Place of Accident, Incident or Transaction: Insurance contract issued in Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)).

Yes No ☒ ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

**A. Federal Question Cases:**

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

**B. Diversity Jurisdiction Cases:**

1. ☒ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

**ARBITRATION CERTIFICATION**

(Check appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3©)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/22/15

Louis E. Bricklin, Esquire/Kathleen P. Dapper  
Attorney-at-Law

20281 /315993

Attorney I.D.#

CIV. 609 (4/03)

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

---

<b>RACHEL BLACK and ANDREW BLACK</b>	:	
	:	
<b>v.</b>	:	<b>NO.</b>
	:	
<b>STATE FARM INSURANCE COMPANY</b>	:	
	:	
	:	

---

**NOTICE OF REMOVAL**

AND NOW, comes the defendant, State Farm Mutual Automobile Insurance Company (hereinafter "State Farm"), incorrectly characterized as State Farm Insurance Company<sup>1</sup>, for the purpose only of removing this case to the United States District Court for the Eastern District of Pennsylvania and respectfully avers as follows:

1. This is a civil action filed and now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, No. 151102736.
2. The action was initiated by a complaint on November 19, 2015. A copy of the complaint is attached hereto as Exhibit "A."
3. A copy of the complaint was served upon State Farm on November 23, 2015.
4. This notice of removal is being filed within 30 days of State Farm's receipt of plaintiffs' complaint via service.
5. State Farm is now, and was at the time plaintiffs commenced this action and filed their complaint, a corporation organized under the laws of the State of Illinois with its principal place

---

<sup>1</sup> Defendant avers that to the best of its knowledge there is no legal entity bearing the name "State Farm Insurance Company." The insurance policy which is the basis of the claim sued upon was issued by State Farm Mutual Automobile Insurance Company.

of business in Illinois, and therefore, is a citizen of Illinois for purposes of determining diversity.  
28 U.S.C. § 1332( c)(1).

6. Plaintiffs Rachel Black and Andrew Black are citizens of the Commonwealth of Pennsylvania.

7. Plaintiffs make the following claims in their Complaint:

**Count One** (mistakenly labeled as Count II in the Complaint)  
Breach of Contract

**Count Two**  
Bad Faith

**Count Three**  
Loss of Consortium

The amount in controversy between plaintiffs and State Farm is in excess of Seventy Five Thousand Dollars (\$75,000) exclusive of interest and costs, based upon plaintiffs' contract claims against State Farm of \$250,000, plus punitive damages and attorney's fees. All of the counts aver in substance that plaintiff Rachel Black is entitled to recover \$250,000.00 in underinsured motorist benefits from State Farm. In addition, the complaint seeks punitive damages in an unspecified amount and attorney's fees. As a result, diversity jurisdiction exists pursuant to 28 U.S.C. § 1332.

8. The averments made herein are true and correct with respect to the date upon which suit was commenced, the date upon which State Farm received plaintiffs' Complaint, and the date upon which this notice is being filed.

9. 28 U.S.C. § 1446(b) provides that:

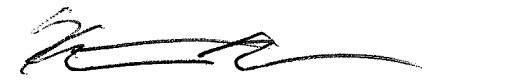
The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

10. State Farm files this Notice of Removal pursuant to 28 U.S.C. §1446(b).
11. State Farm has, simultaneously with the filing of this Notice, given written notice to plaintiff.
12. State Farm is filing a copy of the instant Notice of Removal and all attachments thereto with the Prothonotary of the Court of Common Pleas of Philadelphia County.

WHEREFORE, State Farm Mutual Automobile Insurance Company, incorrectly characterized as State Farm Insurance Company, hereby removes this suit to this Honorable Court pursuant to the laws of the United States.

**BENNETT, BRICKLIN & SALTZBURG LLC**

BY:



**LOUIS E. BRICKLIN**

**I.D. No. 20281**

**KATHLEEN P. DAPPER**

**I.D. No. 315993**

**1601 Market Street, 16th Floor**

**Philadelphia, PA 19103**

**(215) 561-4300**

**bricklin@bbs-law.com**

**dapper@bbs-law.com**

**Attorneys for Defendant,**

**State Farm Mutual Automobile Insurance  
Company, incorrectly characterized as State Farm  
Insurance Company**

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

---

RACHEL BLACK and ANDREW BLACK :  
:  
v. : NO.  
:  
STATE FARM INSURANCE COMPANY :  
:  
:

---

NOTICE TO PLAINTIFFS

TO: Rachel Black and Andrew Black  
c/o Joseph Chaiken, Esquire  
Joseph Chaiken & Associates, P.C.  
1800 John F. Kennedy Boulevard, 14<sup>th</sup> Floor  
Philadelphia, PA 19103

Please take notice that defendant, State Farm Mutual Automobile Insurance Company, incorrectly characterized as State Farm Insurance Company, by its attorneys Bennett, Bricklin & Saltzburg LLC, has filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania removing to that Court a Civil Action previously pending in the Court of Common Pleas of Philadelphia County, Civil Action No. 151102736 captioned Rachel Black and Andrew Black v. State Farm Insurance Company.

BENNETT, BRICKLIN & SALTZBURG LLC

BY: 

LOUIS E. BRICKLIN, ESQUIRE

I.D. No. 20281

KATHLEEN P. DAPPER

I.D. NO. 315993

1601 Market Street, 16th Floor

Philadelphia, PA 19103

(215) 561-4300

bricklin@bbs-law.com

dapper@bbs-law.com

Attorney for Defendant,

State Farm Mutual Automobile Insurance  
Company, incorrectly characterized as State Farm  
Insurance Company



IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

---

RACHEL BLACK and ANDREW BLACK :  
:  
v. : NO.  
:  
STATE FARM INSURANCE COMPANY :  
:  
:

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PROOF OF FILING

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF PHILADELPHIA :

Louis E. Bricklin, being duly sworn according to law, deposes and says that he is a member in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, State Farm Mutual Automobile Insurance Company, incorrectly characterized as State Farm Insurance Company, and that he did direct the filing of a copy of the Notice of Removal attached hereto with the Prothonotary of the Court of Common Pleas of Philadelphia County, said filing to be made on December 18, 2015 via electronic filing.

BENNETT, BRICKLIN & SALTZBURG LLC

BY: 

LOUIS E. BRICKLIN, ESQUIRE

I.D. No. 20281

KATHLEEN P. DAPPER

I.D. No. 315993

1601 Market Street, 16th Floor

Philadelphia, PA 19103

(215) 561-4300

[bricklin@bbs-law.com](mailto:bricklin@bbs-law.com)

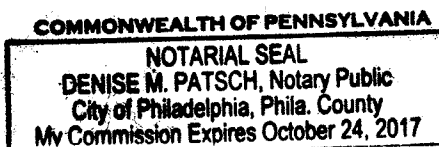
[dapper@bbs-law.com](mailto:dapper@bbs-law.com)

Attorneys for Defendant,

State Farm Mutual Automobile Insurance  
Company, incorrectly characterized as State Farm  
Insurance Company

Sworn to and subscribed to  
me on this 22<sup>nd</sup> day  
of December, 2015

  
NOTARY PUBLIC





IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

RACHEL BLACK and ANDREW BLACK :  
:  
v. : NO.  
:  
STATE FARM INSURANCE COMPANY :  
:  
:

COMMONWEALTH OF PENNSYLVANIA :  
§  
COUNTY OF PHILADELPHIA :

PROOF OF SERVICE

Louis E. Bricklin, after being first duly sworn upon oath, deposes and says that he is a member in the law firm of Bennett, Bricklin & Saltzburg, LLC, attorneys for the defendant, State Farm Mutual Automobile Insurance Company, incorrectly characterized as State Farm Insurance Company, and that he did serve this 18th day of December, 2015 the aforementioned Notice to plaintiffs upon the individuals named below via electronic filing and/or email addressed to:

Rachel Black and Andrew Black  
c/o Joseph Chaiken, Esquire  
Joseph Chaiken & Associates, P.C.  
1800 John F. Kennedy Boulevard, 14<sup>th</sup> Floor  
Philadelphia, PA 19103  
jchaiken@jchaikenlaw.com

BENNETT, BRICKLIN & SALTZBURG LLC

BY:

  
LOUIS E. BRICKLIN, ESQUIRE

I.D. No. 20281

KATHLEEN P. DAPPER

I.D. No. 315993

1601 Market Street, 16th Floor

Philadelphia, PA 19103

(215) 561-4300

[bricklin@bbs-law.com](mailto:bricklin@bbs-law.com)

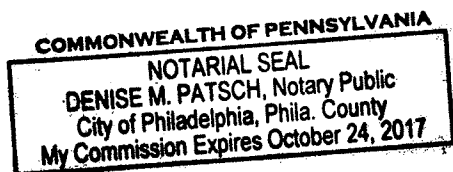
[dapper@bbs-law.com](mailto:dapper@bbs-law.com)

Attorneys for Defendant,

State Farm Mutual Automobile Insurance  
Company, incorrectly characterized as State Farm  
Insurance Company

Sworn to and subscribed  
before me this 18<sup>th</sup> day  
of December, 2015

  
NOTARY PUBLIC



# Exhibit “A”

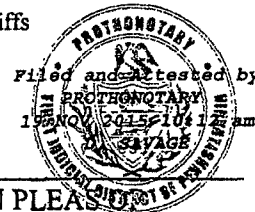
Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

		For Prothonotary Use Only (Docket Number)	
		<b>NOVEMBER 2015</b>	<b>002736</b>
PLAINTIFF'S NAME RACHEL BLACK		E-Filing Number: 1511042373	
DEFENDANT'S NAME STATE FARM INSURANCE			
PLAINTIFF'S ADDRESS 1860 LIPPINCOTT RD HUNTINGDON VALLEY PA 19006		DEFENDANT'S ADDRESS 3 STATE FARM PLAZA S BLOOMINGTON IL 61704	
PLAINTIFF'S NAME ANDREW BLACK		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS 1860 LIPPINCOTT RD HUNTINGDON VALLEY PA 19006		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input checked="" type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input checked="" type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 1J - BAD FAITH			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
		FILED PROPROTHY NOV 19 2015 D. SAVAGE	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>RACHEL BLACK , ANDREW BLACK</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JOSEPH CHAIKEN		ADDRESS 1800 J.F.K. BLVD 14TH FLOOR PHILADELPHIA PA 19103	
PHONE NUMBER (215) 564-1800	FAX NUMBER (215) 564-5524		
SUPREME COURT IDENTIFICATION NO. 31187		E-MAIL ADDRESS jchaiken@jchaikenlaw.com	
SIGNATURE OF FILING ATTORNEY OR PARTY JOSEPH CHAIKEN		DATE SUBMITTED Thursday, November 19, 2015, 10:12 am	

FINAL COPY (Approved by the Prothonotary Clerk)

JOSEPH CHAIKEN & ASSOCIATES, P.C.  
 BY: Joseph Chaiken, Esquire - 31187  
 1800 John F. Kennedy Boulevard - 14<sup>th</sup> Floor  
 Philadelphia, Pennsylvania 19103  
 (215) 564-1800  
[jchaiken@jchaikenlaw.com](mailto:jchaiken@jchaikenlaw.com)

Attorney for: Plaintiffs



Rachel Black and Andrew Black  
 1860 Lippincott Road  
 Huntingdon Valley, PA 19006

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY

v.

TERM, 2015

State Farm Insurance Company  
 3 State Farm Plaza S  
 Bloomington, IL 61704

NO.:

### NOTICE TO DEFEND

#### NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

PHILADELPHIA BAR ASSOCIATION  
 LAWYER REFERRAL AND INFORMATION SERVICE  
 One Reading Center  
 Telephone: (215) 238-6333  
 Philadelphia, Pennsylvania 19107

#### AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL**

ASSOCIATION DE LICENCIADOS DE FILADELFIA  
 SERVICIO DE REFERENCIA LEGAL  
 One Reading Center  
 Filadelfia, Pennsylvania 19107  
 Telefona: (215) 238-6333  
 TTY: (215) 451-6197

JOSEPH CHAIKEN & ASSOCIATES, P.C.  
 BY: Joseph Chaiken, Esquire – 31187  
 1800 John F. Kennedy Boulevard – 14<sup>th</sup> Floor  
 Philadelphia, Pennsylvania 19103  
 (215) 564-1800  
[jchaiken@jchaikenlaw.com](mailto:jchaiken@jchaikenlaw.com)

Attorney for: Plaintiffs

Rachel Black and Andrew Black	:	COURT OF COMMON PLEAS OF
1860 Lippincott Road	:	PHILADELPHIA COUNTY
Huntingdon Valley, PA 19006	:	
	:	
v.	:	
	:	TERM, 2015
State Farm Insurance Company	:	NO.:
3 State Farm Plaza S	:	
Bloomington, IL 61704	:	

### COMPLAINT

### THE PARTIES

1. Plaintiffs Rachel and Andrew Black, wife and husband and are adult individuals and Pennsylvania citizens, residing at the address listed above.
2. Defendant State Farm Mutual Automobile Insurance Co. (hereinafter "State Farm"), is a corporation organized under the laws of Pennsylvania with its nerve center and principal place of business at One State Farm Drive, Concordville, PA 19339.
3. On or about May 5, 2010 plaintiff was operating a motor vehicle on Huntindon Pike stopped in the northbound lane, when she was suddenly and violently struck in the rear by a motor vehicle which was operated in a negligent and careless fashion by Cara M. Bruno.
4. The accident was caused solely by the negligence of the defendant and not in any way by the conduct of the plaintiffs.
5. As a result of the accident plaintiff sustained injury to her head, neck, back, legs, the muscles, discs and functions thereof as well as severe nervous shock and pain and suffering, she has been and may in the future be prevented from attending to her usual duties, activities and

occupation and she may as a result lose earnings or earning capacity she has incurred and may in the future incur medical bills and other expenses all of which are or may be permanent.

6. Plaintiffs' injuries, losses and damages, pain and suffering, loss of life's pleasures, and the monetary damages that result therefrom have a value far in excess of the policy limits of Cara Mea Bruno's insurance policy with State Farm which is limited to \$100,000.

### COUNT II – BREACH OF CONTRACT V. STATE FARM

9. Plaintiff incorporates herein Paragraph 1 through 8.

10. At the time of the collision, Plaintiff's had an underinsured motorist policy with the defendant State Farm which provided coverage to the plaintiffs in the amount of \$250,000 in excess of the coverage of the tortfeasor Cara Mea Bruno.

11. At the time of the collision, Plaintiffs were insured drivers through Defendant State Farm's insurance policy, for which they paid valuable consideration.

12. Defendant State Farm assigned Claim No. 38-L910-405 to Plaintiffs underinsured motorist claim.

13. On January 15, 2015 Plaintiff made a demand for underinsured motor benefits by sending a demand package to Defendant State Farm, which included the following:

Abington Hospital	5/4/10
Dr. Michael M. Burak, D.C.	5/4/10 to 1/3/13
Dr. Howard M. Natter	6/3/10 to 8/7/13 (Report 7/28/14)
Byberry MRI & Diagnostic Imaging	6/11/10, 10/7/11, 2/5/13, 8/22/13
Dr. Simon Galapo	2/10/11 to 8/17/11, 2/13/13, 6/18/13
Dr. M. Sean Grady (surgeon)	2/12/13 to 6/4/13 (Report 9/8/15)
Hospital of the University of PA	2/26/13 to 2/27/13
Holy Redeemer Hospital	3/13/13, 4/1/13

14. On March 24, 2015 Plaintiff made another demand for **underinsured** motorist benefits by sending records to State Farm indicating that plaintiff had medical bills which were paid by a PPO so that a lien for the medical bills would potentially be owed back to Aetna Insurance.
15. Subsequently, additional medical records were sent, including a report from Dr. Sean Grady, dated 9/8/15, and various MRI films.
16. To date, State Farm has not made any payment for plaintiff's injuries and damages as they are required to do under contract with the plaintiff.
17. Under the State Farm policy, it promised to pay "...compensatory damages for bodily injuries the insured is legally entitled to recover from the owner or driver of an underinsured motor vehicle."
18. The vehicle owned and operated by operated by Cara Mae Bruno is an underinsured motor vehicle as defined by the State Farm policy.
19. Plaintiff has fully complied with all of the terms, conditions, and duties required under the State Farm policy.
20. State Farm failed to objectively and fairly evaluate Plaintiff's underinsured motorists claim.
21. State Farm failed to promptly offer payment of a reasonable and fair value to Plaintiff's claim.
22. State Farm failed to fulfill the fiduciary, contractual, and statutory obligations to investigate, evaluate, and negotiate the underinsured motorists claim in good faith.
23. For the reasons set for above, State Farm breached its duty and contract under the policy of insurance.



WHEREFORE, Plaintiffs, demand judgment by jury trial against Defendants, jointly and severally, in an amount in excess of \$50,000.00 plus interest, and costs and such other relief as this Honorable Court may deem appropriate.

**COUNT III – BAD FAITH**

24. Plaintiff incorporates herein by reference the allegations contained in Paragraph 1 through 23.
25. The actions of State Farm constitute bad faith under 42 Pa.C.S.A. §8371 as follows:
- a. Unreasonably delayed the processing of a valid claim;
  - b. Knew or recklessly disregarded the fact that the delay was unreasonable;
  - c. Failing to objectively and fairly evaluate Plaintiff's claim;
  - d. Engaging in dilatory and abusive claims handling;
  - e. Failing to adopt or implement reasonable standards in evaluating Plaintiff's claim;
  - f. Acting unreasonably and unfairly in response to Plaintiff's claim;
  - g. Not attempting in good faith to effectuate a fair, prompt, and equitable settlement of Plaintiff's claim in which the Defendant's liability under the policy had become reasonably clear;
  - h. Subordinating the interests of its insured and those entitled under its insured's coverage to its own financial monetary interests;
  - i. Failing to promptly offer reasonable payment to the Plaintiff for wage loss or economic impairment, excess medical bills or other losses;
  - j. Failing to reasonably and adequately investigate Plaintiff's claim;

- k. Failing to reasonably and adequately evaluate or review the medical and economic loss documentation in Defendant's possession;
- l. Violating the fiduciary duty owed to the Plaintiff;
- m. Acting unreasonably and unfairly by withholding underinsured motorist benefits justly due and owing to the Plaintiff;
- n. Failing to make an honest, intelligent, and objective settlement offer; and
- o. Causing Plaintiff to expend money on the presentation of her claim.

26. An insurer such as State Farm owes a fiduciary, contractual, and statutory obligation to those such as Plaintiffs.

27. At all relevant times, Plaintiffs fully complied with the terms and conditions of the policy and all conditions precedent and subsequent to her right to recover under the policy.

28. For the reasons set forth above, Defendant State Farm violated the policy of insurance, its obligations as an insurer, has failed to act toward Plaintiffs in good faith for which State Farm is liable for compensatory and punitive damages, together with interest, attorney's fees, court costs, and such other relief as the Court deems appropriate.

29. State Farm has engaged in wanton and reckless conduct with regard to the welfare, interest and rights of the Plaintiff, and is liable for its bad faith conduct.

WHEREFORE, Plaintiffs, demand judgment by jury trial against Defendants, jointly and severally, in an amount in excess of \$50,000.00 plus interest, and costs, statutory punitive damages and such other relief as this Honorable Court may deem appropriate.

**COUNT IV - LOSS OF CONSORTIUM**

30. Plaintiff Andrew Black incorporates by reference Paragraph 1 through 29.

31. At the time of the collision and continuing to date, Andrew Black was the spouse of Plaintiff.

32. As a result of this collision, Plaintiff Andrew Black has been deprived of the comfort, services, society, companionship and consortium of his spouse and will continue to be so deprived for an indefinite time in the future.

WHEREFORE, Plaintiff Andrew Black demands judgment by jury trial against Defendants, jointly and severally, in an amount in excess of \$50,000.00 plus interest, and costs and such other relief as this Honorable Court may deem appropriate.

Respectfully submitted,  
JOSEPH CHAIKEN & ASSOCIATES, PC

A handwritten signature in black ink, appearing to read 'Joseph Chaiken', written over a horizontal line.

JOSEPH CHAIKEN, ESQUIRE

VERIFICATION

I, Rachel Black, state that I am the Plaintiff in the foregoing action and here by verify that the facts upon which this complaint is based are true and correct to the best of my knowledge, information and belief. Those statements are made subject to the penalties of 18 Pa.C.S. § 4909 pertaining to unsworn falsification to authorities.

DATE

11/14/2015

Rachel Black

RACHEL BLACK

VERIFICATION

I, Andrew Black, state that I am the Plaintiff in the foregoing action and here by verify that the facts upon which this complaint is based are true and correct to the best of my knowledge, information and belief. Those statements are made subject to the penalties of 18 Pa.C.S. § 4909 pertaining to unsworn falsification to authorities.

DATE

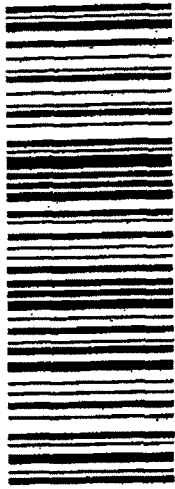
11/14/15



ANDREW BLACK

Joseph Chaiken & Associates, P.C.  
1800 JFK Blvd.  
14th Floor  
Philadelphia, PA 19103

**CERTIFIED MAIL™**



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9/2015  
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FIRST CLASS MAIL

**\$CD6.91**

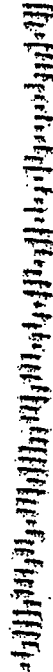


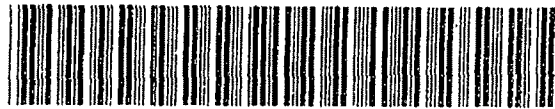
ZIP 19019  
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State Farm Insurance  
3 State Farm Plaza  
Bloomington, IL 61704

Rec'd in Corporate Law  
NOV 23 2015  
Litigation Section B-3

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## CORPORATE HDQ B-3

COOK, JASON

Alias : JOWG

Dept# : 10080383330

Dept : CORPORATE LAW

Phone : 3097350796

Pallet #: 22B-3LAW112315112315

Carrier #: USPS

Tracking #: 70092820000343897039

Reference #:

### ---ALERT INFORMATION---

Alert #:

Instructions:

### ---ADDITIONAL INFORMATION---

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